

### Remarks

Applicant has considered the Office Action mailed on March 7, 2006. Claims 1-20 are pending in the present patent application. Of the pending claims, the Examiner rejected claims 1-20. In response to the Office Action, Applicant canceled claims 2-3; 7; and 16-17 and incorporated the subject matter therefrom into claims 1, 6 and 11, respectively to overcome the 35 USC §102(b) and §103(a) rejections. In addition, Applicant canceled claims 12-15 and amended claims 4-5, 8- 9 and 18 to recite, *inter alia*, subject matter that is consistent with features recited in independent claims 1, 6 and 11. No new matter has been added. Applicant requests further examination and reconsideration of the present patent application.

The Examiner objected to claims 8-10 for having informalities. Applicant amended claims 8 and 9 to remove the informalities. Accordingly, Applicant requests that the Examiner reconsider and remove the objection for claims 8 and 9, as well as claim 10, which depends from these claims.

The Examiner rejected claims 1-9 and 11-19 under 35 USC §102(b) as being anticipated by Usui (US Patent No. 6,091,080). Applicant respectfully traverses the §102(b) rejection of the present patent application and submits that Usui does not anticipate the claimed invention.

Independent claims 1, 6 and 11 of the present invention have been amended to recite features associated with connecting a number of capacitive structures in parallel. Claim 1 now recites *inter alia*, connecting the single capacitor and the one or more additional capacitors in parallel. Claim 6, now recites, *inter alia*, connecting the one or more capacitors comprised of ends of one or more electrically conductive leads close to the one or more single anticipated locations of metal extrusion on each of the two or more EM test lines in parallel, to create a capacitive extrusion monitor module for each EM test line. Claim 11 now recites, *inter alia*, that the capacitive means comprises of one or more capacitors connected in parallel to create one or more modules of parallel connected capacitors.

Usui does not disclose the feature of connecting a number of capacitive structures in parallel. Usui, does disclose in Fig. 8 the use of multiple capacitance measuring wirings 17, but does not teach that the wirings are connected in parallel. However, the Examiner submitted that Usui discloses the claimed feature of connecting a number of capacitive structures in parallel. In particular, the Examiner noted that each capacitance measuring wiring 17 in Usui would have an associated capacitance meter to take capacitive measurements with the testing wire and therefore, submitted that it could be said that the capacitance measuring wirings and the measurements of each are taken in parallel. Applicant does not agree and submits that such a configuration does not equate with one or more capacitors connected in parallel. If the capacitance meters were shown in Fig. 8 of Usui, then there would be a meter placed between each of the capacitance measuring wires 17 and the testing wire 15. The capacitive structures that would result would be independent of each other and not connected in parallel. Even if measurements were taken in parallel as the Examiner submitted, Applicant submits that this would not disclose the claimed feature of connecting a number of capacitive structures in parallel. Taking measurements in parallel is not what is recited in independent claims 1, 6, and 11 and thus cannot be deemed to be the same as connecting a number of capacitive structures in parallel. Therefore, Applicant believes that Usui does not anticipate claims 1, 6 and 11.

Since Usui does not disclose connecting a number of capacitive structures in parallel, Applicant submits that Usui does not anticipate independent claims 1, 6 and 11. Claims 4-5; 8-9; and 18-19 depend directly or indirectly from now presumably allowable claims 1, 6 and 11, respectively, and thus are in allowable condition by dependency. Accordingly, Applicant requests that the Examiner reconsider and remove the §102(b) rejection of claims 1, 4-6, 8-9, 11 and 18-19 under Usui.

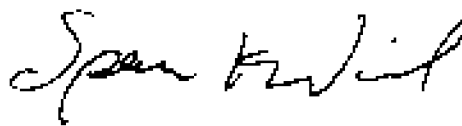
The Examiner rejected claims 10 and 20 under 35 USC §103(a) as being unpatentable over Usui in view of Lowitz et al. (US Patent Number 6,598,182). Applicant respectfully traverses this §103(a) rejection and submits that claims 10 and 20 are patentable over the combination of Usui in view of Lowitz et al. (hereinafter Lowitz).

Lowitz has been added for its disclosure of using a leakage current type extrusion monitor. Lowitz provides no teachings, hints or motivations that suggest the desirability of connecting a number of capacitive structures in parallel in the structure of Usui, as set forth in independent claims 6 and 11 of the present patent application. Accordingly, claims 6 and 11 of the present patent application are patentably distinguishable over the combination of Usui in view of Lowitz. Claims 10 and 20 depend from presumably allowable claims 6 and 11, respectively, and thus Applicant submits that these claims are allowable by dependency. Accordingly, Applicant requests that the Examiner reconsider and remove the §103(a) rejection of claims 10 and 20.

In view of the foregoing amendments and remarks, Applicant requests that the Examiner reconsider this application and allow claims 1, 4-6, 8-11 and 18-20.

If the Examiner has any questions regarding the present patent application, the Examiner can call Applicant's attorney, Spencer K. Warnick, at telephone number (518)-449-0044.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Spencer K. Warnick, IV". The signature is fluid and cursive, with the first name "Spencer" being more legible than the last name "Warnick".

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